

### REMARKS

This Amendment is submitted in response to the official action dated September 15, 2008. Claims 1-23 were pending in the application. In the official action, claims 1-23 were rejected. In this Amendment, claims 1, 5, 16, 17, and 19-23 have been amended. Claims 1-23 thus remain for consideration.

Applicant submits that claims 1-23 are in condition for allowance and requests withdrawal of the rejections in light of the following remarks.

#### §103 Rejections

Claims 1-13, 15-17, and 19-23 were rejected under 35 U.S.C. §103(a) as being unpatentable over Salonidis et al. (U.S. Patent No. 6,865,371) in view of Erola et al. (U.S. Patent Publication No. 2004/0179545).

Claims 14 and 18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Salonidis in view of Erola and further in view of Gehrman (<http://grouper.ieee.org>).

Applicant submits that the independent claims (claims 1, 5, 16, 17, and 19-23) are patentable over Salonidis, Erola and Gehrman (collectively "the cited references").

Applicant's invention as recited in the independent claims is directed toward data communication. Claim 1 recites that "a data communication path between any two [] communication apparatuses is established when the timing of a user performing a manual operation on one of the two apparatuses or on a peripheral device associated with said one of the two apparatuses corresponds to the timing of a user performing a manual operation on the other of the two apparatuses or on a peripheral device associated with said other of the two apparatuses." The claim further recites that "said communication path [is] established regardless of whether or not there is synchronization between said one of the two apparatuses, or a

peripheral device associated with said one of the two apparatuses, and said other of the two apparatuses, or a peripheral device associated with said other of the two apparatuses." (Emphasis supplied.) Claims 5, 16, 17, and 19-23 include similar recitations. Supporting disclosure for the emphasized recitation can be found in the specification at, for example, page 29, line 13 - page 32, line 20.

None of the cited references discloses the quoted recitations. In particular, Applicant notes that establishing a communication path in Erola requires the activation of a polling channel between the two devices that will be linked through the path. (See Erola [0046]-[0057].) The polling channel is a Bluetooth™ link (See Erola [0047].), and therefore establishing a communication path in Erola requires synchronization between the two devices that are to be linked through such path.

Since none of the cited references discloses the quoted recitations, Applicant believes that claims 1, 5, 16, 17, and 19-23 are patentable over the cited references - taken either individually or in combination - on at least this basis.

Further, since dependent claims inherit the limitations of their respective base claims, Applicant believes that dependent claims 2-4, 6-15, and 18 are patentable over the cited references for at least the same reasons as discussed in connection with the independent claims.

Applicant respectfully submits that all of the claims now pending in the application are in condition for allowance, which action is earnestly solicited. If any issues remain, or if the Examiner has any further suggestions, he/she is invited to telephone the undersigned at (908) 654-5000.

The Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 12-1095.

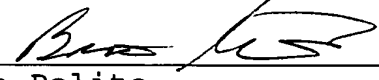
Application No.: 10/826,060

Docket No.: SONYJP 3.0-369

The Examiner's consideration of this matter is gratefully acknowledged.

Dated: February 9, 2009

Respectfully submitted,

By   
Bruno Polito

Registration No.: 38,580  
LERNER, DAVID, LITTENBERG,  
KRUMHOLZ & MENTLIK, LLP  
600 South Avenue West  
Westfield, New Jersey 07090  
(908) 654-5000  
Attorney for Applicants

927610\_1.DOC